

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL WYSE, *as Plan Administrator for the Voyager
Wind-Down Debtor*,

Plaintiff,

-v-

METROPOLITAN COMMERCIAL BANK,

Defendant.

24 Civ. 9108 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Defendant's deadline to answer or move to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure is February 4, 2025. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.¹

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by March 11, 2025. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by April 15, 2025, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that it relies on the previously filed motion to dismiss.²


It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by March 11, 2025. Defendant's reply, if any, shall be

¹ On December 10, 2024, the Court granted 14-day extensions to all briefing deadlines. Dkt. 14.

² If defendant files a new motion to dismiss or relies on its previous motion, plaintiff's opposition will be due 28 days thereafter, and defendant's reply, if any, will be due 21 days after that.

served by April 8, 2025. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", is positioned above a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: December 13, 2024
New York, New York